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EX PARTE

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December 9, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Room TW-A325
Washington, DC 20554

RE: *ET Docket 04-3, In the Matter of Rules Concerning Disruptions to Communications*

Dear Ms. Dortch:

On December 9, 2004, Melissa Newman, in person, and Dennis Pappas, Barry Orrel, Kathy Lucero and Glenda Weibel, by phone, all of Qwest, met with Jessica Rosenworcel to discuss the Commission's DS3 metric in ET Docket 04-35, Rules Concerning Disruptions to Communications Proceeding. The attached document was used in the discussion.

Sincerely,

/s/ Melissa E. Newman

Attachment

Copy to:
Jessica Rosenworcel (jessica.rosenworcel@fcc.gov)



ET Docket 04-35
Rules Concerning Disruptions
to Communications

November 19, 2004

Disruptions to Communications Mandatory Reporting

Background

- The new Order includes a DS3 rule that requires reporting of DS3 outage minutes. A part of this rule requires reporting when a DS3 is operating in simplex mode. (Simplex occurs when a DS3 is part of a protection scheme, e.g., SONET ring, and switches from the working path to the protect path.)

Reporting Impact – DS3 and Switch-to-Protect

- The FCC has significantly underestimated the impact of tracking and reporting DS3 events on Qwest's network operations and the number of reports Qwest will have to file.
 - For the BOC (QC), we expect approximately 4,100 total reportable DS3 events, including approximately 1,400 DS3 simplex reports.
 - For the long distance affiliate (QCC), we expect approximately 5,100 total reportable DS3 events, including approximately 1,600 DS3 simplex reports.
 - This amounts to an average of 25 events PER DAY (8 of which are simplex) and a total of approximately 9,200 events (3,000 of which are simplex). For each reportable event, three reports will be filed (notification, initial, final).
 - **This is in stark contrast to the FCC's estimate that this rule will result in “substantially less than 1,000 annually” across all reporting entities.**

Impact of DS3 Metric Underestimated

- The new DS3 metric will still result in approximately 9,200 reportable events. This number far exceeds the FCC's estimate.
 - In the comments filed in this proceeding, the industry suggested several alternative ways to capture information about DS3 events.
 - For instance, more meaningful information about the infrastructure would be captured by reporting an outage of a working OC48 for 30 minutes or more, or a working OC24 for 6 hours or more, where the service provider had control of the electronics at both ends of the circuit and where the circuit did not switch-to-protect.

Impact of Switch-to-Protect Reporting

□ DS3 Simplex is not a service outage.

- The act of switching-to-protect is transparent to the end user and the network is performing as it was designed to perform.
- Maintenance processes under the previous rules allowed Qwest to conduct intrusive testing and repair in a “maintenance window.” The maintenance window may vary by customer depending on their business hours and traffic patterns – generally, Qwest’s maintenance window is between 10:00 pm and 6:00 am and those are the hours in which testing and repairs are conducted. These new rules will require us to perform repairs that may adversely affect customer service for reasons that do not seem connected to homeland security.
- In today’s environment, to ensure the highest quality of consistent un-interrupted service, Qwest has designed its systems to switch-to-protect at the slightest hint of abnormal network conditions – i.e., at much lower levels than what the FCC would consider to be a failure or significant degradation.

Impact of Switch-to-Protect Reporting

- The new rules impose a huge burden on Qwest
 - The Qwest network is performing in the manner that it was designed to perform, i.e., switching-to-protect.
 - Qwest has always strived to reduce reportable events as demonstrated over the past 6 years (36 events in 1998 down to 8 events in 2003). Under these new rules Qwest is struggling to envision a network architecture that will allow us to continue this positive trend without jeopardizing the customer's services.
 - By requiring switch-to-protect reporting at a level that increases the volume of reports, the new regime requires repair personnel to focus on filing reports instead of focusing on customer affecting network outages.

Summary

- Qwest is vigilant about keeping its service up and running – the customer and their satisfaction with our services is of utmost importance to us.
- The additional reports do not improve homeland security efforts.
- Given the impact the new metric will have on both carriers and the FCC, Qwest urges the FCC to reconsider, on its own motion, the DS3 metric to modify it to accomplish more meaningful reporting without requiring a carrier to file thousands of new annual DS3 outage reports.